

THE BRITISH BROADCASTING CORPORATION

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Colonel L.K. White,
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2430 E Street, NW,
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4th April 1950

Dear Red,

I have been giving careful consideration to your letter of 8th February and must apologise for the delay in sending you a reply.

I am interested to hear that you are still considering the curtailment of your public distribution of monitoring reports in the U.S.A.. On this side of the Atlantic we recognise that we face at least some risk resulting from the public distribution of our documents, under three headings -

- a) Breach of Copyright. We recognise that an element of risk exists but we think it more likely that any organisation which sought to make a claim against us on this score would first approach us to obtain an annual subscription rather than risk offence by taking precipitate legal action.
- b) Defamation and Libel. Again we must admit that an element of risk exists to a degree probably greater than under a). We believe, however, that the risk of heavy damages is to some extent minimised by the notice which we display on our publications, as follows :-

"The BBC can accept no responsibility for the truth or accuracy of the original broadcasts nor can it accept responsibility for any claim for defamation or infringement of copyright arising out of their publication."

At the same time our editors are instructed to exercise all care in these matters and to seek advice when in doubt.

- c) Contempt of Court. The laws covering Contempt of Court are, I believe, more strict in this country than in the United States, and it is

*Copies sent
to
Adm
General Counsel
11 April 50*

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necessary for us to exercise every care to avoid contempt by the publication of any comment or facts which might prejudice any person under trial. A good recent example of this is the case of the atomic scientist Fuchs. In this case we should have been guilty of gross contempt if we had incorporated in any of our documents the volume of radio comment which was intercepted either from America or other countries. Obviously, however, these comments were of vital interest to the British authorities, and to avoid Contempt of Court we were obliged to provide for the separate and confidential distribution to interested Government departments only. This, of course, made additional work for our staff.

You will realise therefore that the public distribution of our documents not only adds to our responsibilities but also to some extent to our work. It is also clear that the actual financial return from this public dissemination is not in proportion to the trouble involved.

In spite of the above reservations, however, we have now reached a firm conclusion that the publication of our reports is in the public interest. In this view we are strongly supported by the British Foreign Office. There are a variety of bodies which, to a greater or less degree, mould public opinion. Under this heading we include the Press, universities, the Churches, and various institutions undertaking research. It is felt that our monitoring reports represent a major source of information not only of general events and affairs abroad, but in particular regarding the political aims of Soviet Russia and countries behind the Iron Curtain. Public appreciation of these aims, it is felt, encourages not only understanding of but support for British foreign policy.

For these reasons we, for our part, wish to continue public distribution of monitoring reports as before, and it would obviously be most convenient if the same procedure could be followed in both countries. We appreciate, however, that the legal position in the U.S.A. is rather more complicated than here and would be glad to be kept informed of your discussions, particularly if there is any question of limiting the distribution of the monitored material which we obtain from you under our broad reciprocal agreement. Perhaps we can discuss this further when I am in Washington.

Yours sincerely,

